

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)
)
v.) Case No. 5:20CR21
)
BRAXTON DANLEY,) **ORDER**
Defendant.)

This matter came before the Court for a competency hearing, pursuant to 18 U.S.C. §§ 4241(c), (d), 4147(d), on April 27, 2021. The Defendant Braxton Danley is charged in a four-count Indictment with cyberstalking and making threatening communications, in violation of 18 U.S.C. §§ 875(c) and 2261A(2). He appeared by video with counsel.

Danley's counsel filed a psychiatric report prepared by Elisha Agee, Psy.D., consistent with 18 U.S.C. §§ 4241(b), 4247(b), (c). ECF No. 32-1. At the hearing, counsel for Defendant and counsel for the Government indicated they would rely on the report for purposes of the hearing, and they did not offer any additional evidence. Considering the information in the report, the Defendant's statements and presentation, and the positions of counsel for the Defendant and the Government, I find by a preponderance of the evidence that Danley is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Accordingly, Danley is hereby committed to the custody of the Attorney General, who shall hospitalize him for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward. *See* 18 U.S.C. § 4241(d)(1).

The director of the facility to which Danley is committed shall prepare and submit to the Court a certificate relevant to 18 U.S.C. § 4241(d)(1). 18 U.S.C. § 4241(e).

It is so ORDERED.

ENTERED: April 27, 2021



Joel C. Hoppe
United States Magistrate Judge